

## **REMARKS**

By the present Amendment, claims 1-8 are cancelled and claims 9-18 are added. This leaves claims 9-18 pending in the application, with claims 9 and 13 being independent.

### **Substitute Specification**

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

### **Rejections Under 35 U.S.C. § 102 and § 103**

Claim 9 covers a hydro damper for attenuation of pressure and/or acoustic oscillations in fluid pressure systems. The hydro damper comprises a damper housing 1, a connecting block 5 and a connecting piece 7. The damper housing has a longitudinal dimension defining a longitudinal axis 3 of the damper housing. The connecting block provides a fluid connection of the damper housing to a fluid pressure system. The pump connecting piece is coupled to the connecting block and mounts the damper housing on a hydraulic pump outlet of the system in selectable rotary positions relative to and about a connecting axis 41 extending transversely to the longitudinal axis. The connecting piece forms a fluid connection between the connecting block and the hydraulic pump outlet, and has an annular body attachable to the pump outlet. The

annular body has a ring of holes located along its periphery. The holes correspond to the rotary positions by engagement of mounting screws within the holes and extending from the connecting block.

Claim 13 covers a hydro damper for attenuation of pressure and/or acoustic oscillations in fluid pressure systems. The hydro damper comprises a damper housing 1, a connecting block 5, and a pump connecting piece 7. The damper housing has a leading dimension defining a longitudinal axis 3 of the damper housing. The connecting block provides a fluid connection of the damper housing to a fluid pressure system. The pump connecting piece is coupled to the connecting block and mounts the damper housing on a hydraulic pump outlet of the system in selectable rotary positions relative to and about a connecting axis 41 extending transversely to the longitudinal axis. The connecting piece forms a fluid connection between the connecting block and the hydraulic pump outlet and has a circular and annular end flange 47 rotatable between the selectable rotary positions. Semi-annular, flange clamping jaws 49 are attachable by screws to the connecting parts of the pump outlet and fix the in flange in one of the selectable rotary positions.

In this manner, claim 9 is directed to the embodiment of Fig. 2, while claim 13 is directed to the embodiment of Fig. 3. These claims are patentably distinguishable by the capability of being located in selectable rotary positions relative to and about a connecting axis extending transversely to the longitudinal axis in combination with the ring of holes recited in claim 9 or the end flange and flange clamping jaws of claim 13.

Original claims 1 and 2 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,857,413 to Zahid. No comments are provided comparing claims 1 and 2 with the Zahid patent.

Original claims 1-4 stand rejected under 35 U.S.C. § 103 as being anticipated by U.S. Patent No. 2,354,201 Dand. The Dand patent is cited for a damper having a damper housing 13 (not 2), a connecting block 27 connecting the housing to pipes, and a linking means 11. Allegedly selectable rotatable positions can be obtained by aligning the bolt holes and having the housing in any desired angle.

Original claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over the Dand patent. In support of the rejection, it is contended that it would be obvious to choose any appropriate connection means, including SAE connections.

Original claims 6-8 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Dand patent in view of Patent Publication No. US 2003/0000588 to Kuykendal. The Kuykendal publication is cited for the use of a silencing tube with holes to allow fluid to enter the end of chamber of the housing and useable with bladders. In support of the rejection, it is contended it would be obvious to modify the Dand damper by providing a fluid silencer in the form of a tube that penetrates the chamber of the housing and that is provided with holes to allow flow into the chamber, as allegedly suggested by the Kuykendal publication.

Relative to the Zahid patent, the threaded ports 48 and 49 and block 21 are apparently relied upon for mounting its shell 10 in selectable rotatable positions. The Zahid threaded ports in being coaxial, in the apparently tubular configuration of block 21 does not provide the claimed annular body with a ring of holes located along its periphery, as recited in claim 9. Additionally,

it does not have the end flange and clamping jaws of claim 13. Thus, the Zahid patent does not anticipate or render obvious the subject matter of claims 9 and 13.

The Dand patent discloses a shock absorber having a housing 13 having a bolted flange connection 24 at its central section intermediated at its ends with the flange connection including a neck 27 and a flange 26. The flange 26 is secured of a T connection 11, which T connection is apparently relied upon for providing the selectable rotator positions. However, such rotary positions provided by the T connection would be about an axis parallel to and offset from the longitudinal axis of housing 13, not transverse to the longitudinal axis of the housing, as recited in claim 9. Additionally, the connection of T connection 11 via bolted flange connection 24 is located intermediate the ends of the housing, and not at an axial end of the housing, as recited in claim 9. Thus, the Dand patent does not anticipate or render obvious the subject matter of claim 9. Relative to claim 13, the Dand patent does not have the circular annular flange and the semi-annular flange clamping jaws recited in claim 13.

Since the Kuykendal publication is cited solely relative to the silencing tube and does not have any mechanism for relative rotational positioning, it does not cure the deficiencies discussed above relative to the Zahid and Dand patents. None of the other cited patents cure these deficiencies. Accordingly, claims 9 and 13 are patentably distinguishable over the cited patents.

Claims 10-12 being dependent upon claim 9 and claims 14-18 being dependent upon claim 13 are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents.

Claims 10 and 15 are further distinguished by the connecting block having an inner chamber with an outflow opening extending concentrically to the longitudinal axis and connected to an input of the damper housing. Clearly, no such outflow openings are provided in the Zahid and Dand patents.

Claims 11 and 17 are further distinguished by the fluid silencer recited therein. No motivation is provided that suggests it would obvious or even possible to provide the Kuykendal silencing tube in the housings of the Zahid or Dand patents, particularly in view of the specific constructions thereof.

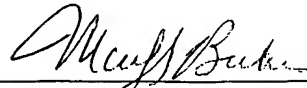
Claims 12 and 18 are further distinguished again by the fluid silencer for the same reasons advanced above relative to claims 11 and 17.

Claims 14 is further distinguished by the connecting piece being continuously adjustable between the selectable rotary positions. No continuous adjustment is disclosed or suggested by any of the cited patents.

Claim 16 is further distinguished by the connecting piece being a circular cylindrical hollow body extending concentrically to the connecting axis and into the inner chamber, forming a fluid pipe and having a wall aperture concentric with the longitudinal damper housing axis. Such structure is not shown to be disclosed or rendered obvious by any of the cited patents.

In view of the foregoing, claims 9-18 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark S. Bicks", is written over a horizontal line.

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